

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRIAN RITCHIE, individually and d/b/a
VIOLENT FEMMES,

Plaintiff,

-v-

GORDON GANO, individually and d/b/a GORNO
MUSIC a/k/a GORNO MUSIC (ASCAP) a/k/a
GORNO MUSIC PUBLISHING,

Defendants.

No. 07-CIV-7269 (VM)

**MOTION FOR LEAVE TO FILE
THE REPLY ON PLAINTIFF'S
EMERGENCY MOTION TO
DISQUALIFY OPPOSING
COUNSEL IN EXCESS OF PAGE
LIMIT**

TO THE HONORABLE JAMES C. FRANCIS:

Pursuant to Local Civil Rule 7.1, which gives the Court discretion over the need and format for memoranda of law in support of motions and oppositions thereto, Plaintiff Brian Ritchie, individually and d/b/a Violent Femmes ("Plaintiff"), by and through his undersigned attorneys, moves the Court for leave to file the Reply On Plaintiff's Emergency Motion to Disqualify Opposing Counsel (the "Reply") in excess of the ten (10) page limit for reply memoranda set by Rule 2(C) of the Individual Practices of United States Magistrate Judge James C. Francis. In support thereof, Plaintiff respectfully shows the Court as follows:

1. Defendant Gordon Gano, individually and d/b/a Gorno Music a/k/a Gorno Music (ASCAP) a/k/a Gorno Music Publishing ("Defendant"), has submitted a Memorandum of Law in Opposition to Plaintiff's Emergency Motion to Disqualify Opposing Counsel (the "Response").

2. The Response is a thirty-six (36) page document that responds to Plaintiff's Emergency Motion to Disqualify Opposing Counsel (the "Motion") – a motion that addresses the very discrete procedural and ethical issue of whether opposing counsel may continue to

participate in this suit as trial counsel for Defendant – by including tangential arguments about the merits and substantive issues of the above-captioned case. Plaintiff must separate such tangential arguments from Defendant’s arguments against the Motion before Plaintiff may address the same.

3. In addition, the Response presents contradictory or otherwise questionable evidence and raises new legal issues (e.g., whether Plaintiff has standing to move for the disqualification of opposing counsel) that must be addressed by Plaintiff.

4. To adequately reply to the foregoing, it is necessary for Plaintiff to exceed the Court’s ten (10) page limit by six (6) pages (excluding exhibits), which includes the Table of Contents. Accordingly, Plaintiff respectfully requests leave of the Court to file the Reply in excess of the Court’s page limit.

5. Opposing counsel has neither objected nor consented to this motion.

WHEREFORE, Plaintiff respectfully requests leave of the Court to file the Reply in excess of the page limit, and for any other relief to which Plaintiff may be entitled.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: /s/ Emilio B. Nicolas
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ATTORNEYS FOR BRIAN RITCHIE,
individually and d/b/a VIOLENT FEMMES

CERTIFICATE OF SERVICE

This is to certify that on this 15th day of July, 2008, a true and correct copy of the foregoing document was served by e-mail upon the following counsel of record:

Robert S. Meloni
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MUSIC PUBLISHING

/s/ Emilio B. Nicolas
Emilio B. Nicolas